



**2009 Legislative Forum and Luncheon  
November 10, 2008  
Noon – 2:00 p.m.  
Capitol Extension Building E2.002, Legislative Conference Center  
Texas State Capitol, Austin**

**Meeting Summary**

**I. Welcome and Introductions**

Jim Walker, chair of Envision Central Texas (ECT) and executive director of the Central Texas Sustainability Indicators Program, opened the discussion by introducing himself and co-moderator Jeff Coffee, city manager of the City of Elgin and co-chair of ECT's Transportation and Land Use Committee. He thanked the three sponsors of the event: Jackson Walker LLP, Samsung Austin Semiconductor and Spansion. He then introduced the six panelists for the event: Senator Kirk Watson, Representative Robert Cook, Representative Dan Gattis, Representative Donna Howard, Representative Eddie Rodriguez, and Representative Patrick Rose. He also recognized the elected officials and ECT Board members in attendance.

Mr. Walker then went on to give a brief explanation of the history of Envision Central Texas and its current focus. ECT was formed in 2001 to facilitate a region-wide conversation with citizens about how they wanted to address future growth and its impact on issues like mobility, housing, equity and the environment. The extensive input process resulted in a regional Vision, released in 2004, that articulated a set of growth principles which were informed and shaped by local values and priorities. The ongoing focus of ECT has been to improve the way we grow in order to sustain our region's quality of life and competitiveness. A major aspect of this work is improving how all of the entities work together in solving common problems and creating the future we desire.

In 2008, ECT conducted a Vision Progress Assessment (VPA) to analyze both the extent to which the region was drawing on the planning principles in the Vision and to learn what issues are most pressing today. One significant issue that was on the minds of many citizens around the region is that Central Texas has critical infrastructure needs and severely limited resources. Another key finding was the desire for regional coordination to address these issues. In 2009, ECT plans to lead a regional dialogue to help explore the difficult choices, opportunities and tradeoffs we are facing as it relates to major infrastructure investments. The VPA also highlighted the need for ECT to play more of an advocate role on issues, and the ECT Board has developed a process, which has a heavy emphasis on Board engagement, to determine advocacy positions.

Mr. Walker also mentioned a number of initiatives that are underway and will be looked at in the legislative session, including work on creating local options for increasing transportation funding led by RECA and the Downtown Austin Alliance; a group of major employers examining options for expanding transportation funding led by the Alliance for Public Transportation (APT); county judges looking at how counties can shape what is happening in unincorporated areas; the work of the Transit Working Group and the examination of how to add land use to the transportation decision making process at CAMPO. Jeff Coffee provided more details on the Transit Working Group Decision Tree, which prioritizes regional investments in transportation projects while also looking at equity and environmental issues in addition to mobility. He also discussed the efforts of APT, their *Connect the Dots* white paper and its focus on the importance of land use in transportation planning.

## II. Overview Comments from Central Legislative Panel

Jim Walker provided an overview of the format and the focus of the discussion, which is on legislation and other considerations related to meeting the critical infrastructure needs of our region. He asked each panelist to give a five-minute overview of what they think the most important legislative issues will be in this arena and what they will be concentrating their efforts on. Then there was to be a round of follow up questions from the co-moderators and questions from the audience.

Senator Kirk Watson, who is vice chair of the Transportation and Homeland Security Committee, was the first to begin with his five-minute overview of what legislative issues are most important in his opinion and what he will be concentrating his efforts on in the next session. Senator Watson described how there has been a dramatic shift over the last 25 years in the way transportation is handled. Previously the state provided funding for big transportation items, such as major roads, and cities and counties were responsible for enhancements. Now the state is turning to local regions and asking them to pay for the major items, with the state handling enhancements. However, no additional tools have been provided to the local areas to help them address this new reality. Local jurisdictions need up-to-date tools to be able to plan effectively. These should not be mandates but local options for local jurisdictions to use as needed. Senator Watson recapped his work with local elected officials to determine what types of tools they would like to have, and how he brought three bills forward during the last legislative session to address these needs. Although these bills did not pass, the issue remains that in order to have sustainable economies, we need sustainable development opportunities. It is important that the counties surrounding Travis County are the ones to ask for the tools they need. Senator Watson remarked that we are currently in a financial drought and therefore we cannot afford to be inefficient with resources. For example, roads cannot be included in transportation plans unless they go to well-planned developments. The CAMPO Decision Tree is an approach which takes the politics out of the discussion and offers a mechanism to ensure that the right questions get asked.

Representative Robbie Cook was the next to speak. He reflected on his experience in the legislature since he was elected in 1996 and his sense that the “us against them attitude” between counties in more rural areas and those in urban areas is changing. Many now see that it is beneficial to look at things from a regional perspective. There are still major concerns over natural resources and property rights, however. Water is an invaluable resource that is particularly of concern, because nothing happens without water. This issue does still have an “us against them” feel, because of the difficulty of dealing with water rights, the problems of moving this precious resource from one area to another, and how this affects the economies of various communities. In addition, finding a balance between private property rights and the public good continues to be challenging. Representative Cook feels that these issues are the most pressing and need to be talked about and worked through in the upcoming session.

Representative Dan Gattis commented that our region continually looks at growth in terms of transportation and how we develop. He agreed that we do need to plan and that we can affect how we grow by where we invest in transportation infrastructure. However, he thinks that the issue of water is one of the most pressing issues we need to address. Representative Gattis represents a district in which part is considered water-poor and part is considered water-rich. He questions how we can fairly manage this; for example, who receives the water and who is it taken away from and what are the implications on the economies of both areas? He also discussed wastewater management and how this is as integral to growth and development issues as water supply. He also discussed his emphasis on the importance of private property rights and the need to protect those rights. He gave examples of when these issues come into conflict, such as where to place a reservoir.

Representative Donna Howard reflected on a range of issues, such as the implications of the Speaker’s race and budget issues which will impact the agenda of what we can talk about, which bills will be heard and who will be assigned to which committees. She discussed how the budget was a major factor, and how other issues, such as the national financial crisis and natural disasters on the Texas coast, will also affect what can realistically be done in the next legislative session. She said water is definitely an issue for her constituents. Earlier this year, state representatives met with the Lower Colorado River Authority

(LCRA) to talk about how we can manage resources, make sure conditions are fair to all and work together more effectively. A regional approach is of interest to her constituents, and it is important to work with LCRA to make sure that they are poised to deal with regional planning and the equitable management of this critical resource. She went on to discuss the importance of educational infrastructure and the need for quality schools in addition to transportation and water. This requires that we have the necessary revenue streams. She is also looking at the issue of how to create a qualified nursing workforce in Texas. Air quality is another issue that is critical and beyond local jurisdiction control. This is something that has to be addressed at a state level, especially when faced with more rigorous EPA air quality standards.

Representative Eddie Rodriguez began his statement by discussing the future of the economy and the importance of renewable energy. He thinks that it is important that Texas be a national leader in that field, and that Central Texas can be a capital or hub for renewable energy innovation. On the topic of regional transportation, Representative Rodriguez discussed the idea of an entity or district which could be created to address regional transportation needs. People would be able to vote on whether or not they wanted to be part of that district. He said that this is an item that will be looked at during the upcoming session. Water is also a critical issue and everyone needs to be at the table when discussing water policy. There are questions that will need to be answered quickly and he is interested in looking at statewide water policy and how that interacts with private property rights. Addressing water issues has to begin with conservation. A statewide conservation policy is needed in which counties have regulating authority.

Representative Patrick Rose discussed what he thinks is a key strength of Central Texas, which is the ability of elected officials, civic organizations, the private sector and an array of communities to work together. He discussed the sunset review process of the Texas Department of Transportation and the importance of having reform while not harming their core mission. It is important the gas tax funds, which have been allocated to other uses, be re-directed into transportation investments. Local entities need to partner, and they also need to be given more tools because they can no longer look to the state. Counties can and need to be able to make these decisions and there is an opportunity to get legitimate county powers in the Hill Country in the next legislative session. On the issue of water, some of the richest water areas in the state are not regulated and better water regulations are needed. It is important to find ways to work across entities. He also discussed the importance of relocating the Union Pacific freight line to enable commuter rail along that corridor.

### **III. Follow-up Questions from Co-Moderators and Audience**

- A. What kind of legislation would be needed to address reasonable/planned growth and property rights?

Representative Cook said that, regarding county powers, counties should put together for themselves the kind of approach that best suits them. The legislature could offer an array of tools which the counties could then choose from to craft legislation specific to their circumstance. It should always be a local option, offer flexibility and be limited.

Representative Gattis said that the important question to look at is whether these powers are really needed or not. He said that in areas that do need to address growth, the key is proactive leaders who are able to bring local land owners, developers, and all affected parties together and get plans in place that people can agree to, without requiring government action. He cited several local examples, such as Municipal Utility Districts or the city of Leander, where stakeholders are brought together to discuss the issues and the impact on them, and forge an approach that works for all involved. Statewide county zoning authority is not realistic.

Representative Rodriguez agreed that statewide authority wouldn't pass and isn't needed. He would, however, like to see counties in urbanizing areas, for example those surrounding Travis County, have some control, the degree to which they choose for themselves.

Representative Rose said Commissioners Courts would need to opt in and local citizens would need to vote approve a referendum for more powers. The emphasis should be on the sustainability of growth and the value of land, especially in water poor areas, and development should not occur when it is too much to be supported by the water under that land.

- B. As a major employer, we are concerned about attracting and retaining employees. What are the tools available and what are you working on to help address these issues?

Representative Cook said that, from the perspective of land use control, tools would include zoning in rural areas and counties, height restrictions, and density controls.

Representative Gattis said that the Regional Mobility Authority is a mechanism for handling infrastructure investments, but that they need to be given more flexibility. Tolls are a tool for funding transportation. It will be important to look at how to finance rail. We need to look at how to partner at the state, city and county level to do projects now. We need to explore pass through funding and find ways to recoup costs, for example, reimbursement-type programs with developers and developments. We also need to deal with property tax, particularly school property tax, because we are currently funding a statewide program with a local tax.

Representative Howard said we have to deal with school funding and find a sustainable funding stream at the state level. She discussed the problems inherent in the legislation created in the 2006 special session and we have to solve the problem in a fair way that provides for sustainable funding.

Representative Rodriguez said that a regional transportation district would provide a way for people to work together on transportation issues. He said affordable housing is another critical issue, as it is a challenge for many Central Texans to find affordable homes near their jobs. He emphasized the importance of creating more job security through diversification of jobs and employment sectors, and through job retraining.

Representative Rose said another tool would be Tax Increment Financing (TIF) which would help fund, for example, transit by having these TIF's around rail hubs.

- C. How do we work collaboratively across issues as we get into the legislative session?

Representative Gattis said it was important to focus on which issues we agree on and that need to be addressed regionally, such as transportation, water and wastewater. He said local entities need to create what they want, and what they want to become, instead of forcing everyone to look, act or be like other places in the region. Things that don't require regional coordination should be left to grow organically.

Representative Rose said that ECT should come together on a set of priorities for the next session of the legislature. They should bridge differences and come to unanimity within the organization, and then bring to the legislature a set of goals that the group agrees on. It would be good to reconvene a forum such as this, making sure that all the representatives are present.

Representative Gattis reinforced this idea of the importance for everyone to be on the same page and come forward with something that there is agreement on before coming to legislators.

Representative Howard pointed to the Early Action Compact as a good model for diverse stakeholders coming together to determine their needs and goals. She also mentioned Leander Mayor Cowman's recent op ed about the importance of coming together as a region to solve our transportation problems.

Comments were made by several members of the audience related to the issue of county authority. There was a need expressed for some authority, not more than can be handled or such that it creates an unfunded mandate and burden on the county. The issue was raised that these powers are needed in some places more than others and that the legislature should be a place where counties can go for tools that they need

to address the problem. A concern was raised about balancing individual property owner rights and community interest. The comment was made that the marketplace is currently shaping what is being built, but their focus is on today, not on the implications for the future. The issue of how to pay for all the things we will need in order to handle future growth was raised, as well as understanding how growth spreading further out impacts transportation, land, and water.

#### **IV. Adjourn**

Jim Walker thanked the panel for their involvement and the attendees for participating in the forum. He said that ECT will continue to track the issues that were raised today, including transportation funding and land use. The meeting was adjourned.

*Meeting notes prepared by Diane Miller, Envision Central Texas, 11/14/08*